

Appin No.: 09/966,042
Response Dated: November 9, 2004
Reply to Office Action of: September 10, 2004

REMARKS

Claims 1-44 are pending with the response to this Office Action. Claims 1-44 are rejected.

The Applicant thanks the Examiner for the telephonic interview on November 4, 2004 during which double patenting issues were discussed.

The Applicant is requesting withdrawal of the finality of this Office Action. The Office does not provide specific reasoning for rejecting claims 33-44, which the Applicant added in the response to the previous Office Action.

Double Patenting Rejection

Claims 1-44 stand rejected under the judicially created doctrine of double patenting over claims 1-54 of U.S. Patent No. 6,668,177 (Patent '177).

Regarding claim 1, the Applicant has amended the claim to include the feature of "representing, in a proximity section of the display, a second icon corresponding to a message source having the closest proximity using a display format that is enlarged in relation to other icons in the proximity section, wherein the proximity section is separately located from the priority section on the display." (Emphasis added.) For example, the present application shows two separate sections (102 and 104) on mobile terminal display 100 as shown in Figure 1. However, the Patent '177 shows only one display section as shown in Figures 1, 2 and 3. Moreover, the Patent '177 includes proximity in the priority list of context values as shown in Figures 6A, 6B, and 6C and described in col. 7, line 31 to col. 8, line 14. The Applicant has similarly amended claim 20 to include the feature of "representing, in a proximity section of the display, a second icon corresponding to a message source having the closest proximity using a display format that is enlarged in relation to other icons in the proximity section, wherein the

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proximity section is separately located from the priority section on the display.” The Applicant has similarly amended claim 24 to include the feature of “representing, in a proximity section of the display, a second icon corresponding to a message source having the closest proximity using a display format that is enlarged in relation to the other icons in the proximity section, wherein the proximity section is separately located from the priority section on the display.” Also, the Applicant has amended claim 25 to include the feature of “means for displaying on the display device at least a second icon in an enlarged display format in response to determining that the proximity of a source associated with a second received message is in closer proximity than the sources associated with other received messages, wherein the second icon is displayed in a different region on the display device than the first icon.” The Applicant has similarly amended claim 27 to include the features of “causes a first set of graphical icons corresponding to the messages to be displayed on the display unit with at least one dimension that is determined by the priority ranking” and “causes a second set of graphical icons corresponding to the messages to be displayed on the display unit with at least one dimension that is determined by the proximity ranking, wherein the first set of graphical icons is displayed in a different region on the display unit than the second set of graphical icons.” The Applicant has similarly amended claim 29 to include the feature of “representing, in a proximity section of the display, a second icon corresponding to a message source having the closest proximity using a display format that is enlarged in relation to other icons in the proximity section, wherein the proximity section is separately located from the priority section on the display.” The Applicant has similarly amended claim 30 to include the feature of “a second plurality of user selectable icons arranged in an order determined by a degree of physical proximity to the mobile terminal, wherein the second plurality of user selectable icons is separately located from the first plurality of user selectable

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icons on the display". Moreover, claims 2-19, 21-23, 26, 28, 31, 33, and 35-43 ultimately depend from claims 1, 20, 24, 25, 27, 29, and 30 and are patentably distinct from the claims of the '177 Patent. Thus, the Applicant requests reconsideration of claims 1-31, 33, and 35-44.

Regarding claim 32, the Applicant has amended the claim to include the feature of "representing, in a proximity section of the display, icons in an order selectively determined by distances between the mobile terminal and the respective message sources or by times associated with corresponding messages." (Emphasis added.) For example, the present specification, as originally filed, discloses (Paragraph 36.):

The graphical user interface shown in FIG. 3 may also be used to configure the proximity navigation bar. In particular, the user may select between physical proximity and temporal proximity. The present invention does not require the use of a proximity navigation bar. In an alternative embodiment, the proximity navigation bar may be replaced with a second priority navigation bar and the user may select a profile that is different from the profile that corresponds to the first priority navigation bar.

However, the '177 Patent does not claim or disclose temporal proximity. Thus, claim 32 is patentably distinguishable from what is claimed and disclosed by the '177 Patent. The Applicant requests reconsideration of claim 32.

Also, the Applicant has amended claim 34 to include the feature of "representing, in a second priority section of the display, a second icon corresponding to a message having one or more characteristics that best match the one or more context values of the second profile using a display format that is enlarged in relation to other icons in the second priority section, wherein the second priority section is separately located from the first priority section on the display." (Emphasis added.) The amendment is supported, for example, by the teaching, as cited above. As discussed above, the '177 Patent does not claim or disclose two separate display sections. Thus, claim 34 is patentably distinguishable from what is claimed and disclosed by the '177 Patent. The Applicant requests reconsideration of claim 34.

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Prior Art Rejection

Claims 25-26 and 30-32 stand rejected under 35 U.S.C. § 103(i) as being unpatentable over Nykanen (U.S. Patent No. 6,362,841) and Pivowar (U.S. Patent No. 6,466,216). Regarding claim 25, as discussed above, the Applicant has amended the claim to include the feature of "means for displaying on the display device at least a second icon in an enlarged display format in response to determining that the proximity of a source associated with a second received message is in closer proximity than the sources associated with other received messages, wherein the second icon is displayed in a different region on the display device than the first icon." However, Nykanen merely suggests displaying two icons in the same region. For example, as shown in Figure 2 of Nykanen, icons 22 and 23 are in the same region. Pivowar does not make up for the deficiency of Nykanen. Moreover, the Office Action alleges that Nykanen teaches the feature of "specifying a second icon demonstrating closer proximity to the source than the first icon" by citing column 8, lines 7-46 of Nykanen. With Nykanen, it appears that if a wireless communications device enters a local area link (corresponding to being in close proximity), then an icon is loaded. The Office Action further alleges that "Nykanen does not specifically show the way to display or distinguish the icon is by enlarging it, but it does mention efficiently notifying a change to the user." However, the references are not properly combinable because the intended function would be destroyed. In the mobile terminal, as suggested by Nykanen and Pivowar, one could not select different sized icons, which correspond to different local area links (wireless area networks). One is served by one local area link. One cannot meaningfully select an icon corresponding to a wireless area network that is not serving the mobile terminal. The Office Action has not properly established prima facie obviousness. Thus, claim 25 is patentable over

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Nykanen and Pivowar.

Similarly, the Applicant has amended claim 30 to include the feature of "a second plurality of user selectable icons arranged in an order determined by a degree of physical proximity to the mobile terminal, wherein the second plurality of user selectable icons is separately located from the first plurality of user selectable icons on the display." Claim 30 is patentable for at least the above reasons. Claims 26 and 31 depend from claims 25 and 30 and are also patentable for at least the above reasons. The Applicant requests reconsideration of claims 25-26 and 30-31.

Regarding claim 32, the Applicant has amended the claim to include the feature of "representing, in a proximity section of the display, icons in an order selectively determined by distances between the mobile terminal and the respective message sources or by times associated with corresponding messages." Nykanen merely discloses geographically based proximity as disclosed in col. 8, lines 7-46. Pivowar does not make up for the deficiency of Nykanen. Thus, claim 32 is patentable over Nykanen and Pivowar. The Applicant requests reconsideration of claim 32.

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Conclusion

The Applicants respectfully submit that the instant application is in condition for allowance. Should the Examiner believe that a conversation with Applicant's representative would be useful in the prosecution of this case, the Examiner is invited and encouraged to call Applicant's representative.

Respectfully submitted.

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